

*Adding Relies  
Summons Issued*

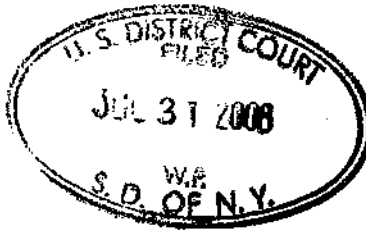
UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK

-----X Docket No. 08 Civ. 4757 (SCR)

MARY PAMELA BROKATE,

Plaintiff,

-against-



(ECF)

FIRST AMENDED  
COMPLAINT

INTER-CONTINENTAL HOTELS CORPORATION,  
HPT TRS IHG-2, INC. and IHG MANAGEMENT  
(Maryland) LLC.

Defendants.

-----X

Plaintiff, MARY PAMELA BROKATE, by her attorneys, KEEGAN, KEEGAN,  
KEEGAN & STRUTT, LLP, complaining of the defendants, alleges, as follows:

JURISDICTIONAL AND VENUE ALLEGATIONS

FIRST: That, at all times hereinafter mentioned, the plaintiff, MARY PAMELA  
BROKATE, was and still is a resident of the County of Westchester, State of New York.

SECOND: That, upon information and belief, at all times hereinafter mentioned, the  
defendant INTER-CONTINENTAL HOTELS CORPORATION was and is a foreign business  
corporation duly organized and existing under and by virtue of the laws of the State of Delaware.

THIRD: That upon information and belief, at all times hereinafter mentioned, the  
defendant, HPT TRS 1 HG-2 INC., was and still is a corporation incorporated and existing under  
the laws of the State of Maryland, with its principal place of business located at 7 St. Paul Street,  
Suite 1660 Baltimore, Maryland.

FOURTH: That upon information and belief, at all relevant times hereinafter  
mentioned, the defendant IHG MANAGEMENT, LLC, was and still is a limited liability

corporation, incorporated and existing under the laws of the State of Maryland, with its principal place of business located at the following address: c/o Staybridge Suites Columbia-Baltimore, 8844 Columbia 100 Parkway, Columbia Maryland, 21045.

FIFTH: That upon information and belief, at all times hereinafter mentioned, defendant HPT TRS IHG-2, Inc. was and still is the owner of the premises known as the Crowne Plaza Hotel, located at 66 Hale Avenue, White Plains, NY 10601.

SIXTH: That upon information and belief, at all times hereinafter mentioned, defendant IHG Management (Maryland) LLC. was and still is the "manager" and/or managing agent and/or operator of the premises known as the Crowne Plaza Hotel, located at 66 Hale Avenue, White Plains, NY 10601.

SEVENTH: That upon information and belief, at all times hereinafter mentioned, defendant is the parent company of the owner and/or manager of the premises and/or the owner/manager of the premises known as the Crowne Plaza Hotel, located at 66 Hale Avenue, White Plains, NY 10601.

EIGHTH: That this action is of a civil nature, involving, exclusive of interest and costs, a sum in excess of \$75,000.00, and every issue of law and fact herein is wholly between citizens of different states.

NINTH: Venue was proper pursuant to 28 U.S.C. § 1441 as set forth in the Notice of Removal filed by defendant Inter-Continental Hotels Corporation dated May 20, 2008, and venue is properly laid before this Court as to all defendants pursuant to 28 U.S.C. § 1391(a)(2).

**AS AND FOR A FIRST CAUSE OF ACTION ON BEHALF OF PLAINTIFF**

TENTH: Plaintiff repeats and realleges each and every allegation contained in Paragraphs "FIRST through FIFTH" as if more fully set forth at length herein.

ELEVENTH: That at all times hereinafter mentioned, the defendants were and still are the owners and/or managing agents in possession of certain lands and premises known as the Crowne Plaza White Plains Hotel ("Crowne Plaza") located at 66 Hale Avenue, White Plains, NY in the County of Westchester, State of New York.

TWELTH: That at all times hereinafter mentioned, defendants had exclusive control and responsibility for portions of the Crowne Plaza intended for the common use by the public and in particular, controlled, managed and were responsible for maintaining and inspecting walkways and carpets throughout complex leading to and from the hotel to the parking garage.

THIRTEENTH: That on or about February 14, 2008, the plaintiff, MARY PAMELA BROKATE was lawfully walking on the premises of the Crowne Plaza located at 66 Hale Avenue, White Plains, NY in the County of Westchester, State of New York.

FOURTEENTH: That on or about February 14, 2008, as the plaintiff was lawfully ambulating in the lobby/hallway/walkway of the Crowne Plaza, she was caused to trip and fall due to a ripped, broken, and defective piece of carpeting or mat placed in the lobby/hallway/walkway of the aforementioned premises by the defendants, their agents, servants and/or employees, thereby sustaining severe and personal injuries hereinafter alleged.

FIFTEENTH: That said occurrence was caused solely through the negligence of the defendants, their agents, servants and/or employees in the use, ownership, management, maintenance of the premises by failing and/or omitting to maintain, inspect and/or control the aforementioned walkway in a reasonably safe condition; in failing neglecting and omitting to properly inspect said carpet prior to its placement upon the walkway and/or lobby area; in failing, neglecting and/or omitting to warn persons lawfully thereat of the said dangerous, unsafe and hazardous condition so as to give a false appearance and illusion of safety; in causing and/or

permitting said lobby and carpet to become and remain in a poorly maintained condition; in allowing the hazardous condition to exist for an reasonably long period of time prior to the aforementioned accident of February 14, 2008, when defendants knew or should have known that the carpet in the lobby area and/or walkway was in a deteriorated condition and likely to cause injury to plaintiff or persons similarly situated and being otherwise generally negligent.

SIXTEENTH: That solely by reason of the defendants' negligence, and as a direct and proximate result thereof, the plaintiff, MARY PAMELA BROKATE, sustained severe and painful injuries in and about her body and limbs and became sick, sore, lame and disabled, and was compelled to expend considerable sums of money for medical treatment and hospital care.

SEVENTEENTH: That said injuries to the plaintiff resulted solely from the negligence of the defendants without any negligence on the part of the plaintiff contributing thereto.

EIGHTEENTH: That as a result of the aforesaid, plaintiff, MARY PAMELA BROKATE, as been damaged in an amount of \$750,000.00.

**WHEREFORE**, plaintiff, MARY PAMELA BROKATE, demands judgment against the defendants in the amount of \$750,000.00, together with the costs and disbursements of this action.

Dated: White Plains, New York  
July 8, 2008

KEEGAN, KEEGAN, KEEGAN & STRUTT, LLP  
Attorneys for Plaintiff

By: 

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